



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas Christian Lines et al. Art Unit : 1761
Serial No. : 10/692,178 Examiner : Pratt, Helen F
Filed : October 23, 2003
Title : COMPOSITION FOR ENHANCING PHYSICAL PERFORMANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§3.73(b) AND 1.321(b)

I, Y. Rocky Tsao, Esq., hereby represent as a patent attorney of record on behalf of the applicants Thomas Christian Lines and Mitsunori Ono of the above-referenced application.

I certify that NEW SUN NUTRITION LLC is the assignee of the entire right, title, and interest in the above-referenced application by virtue of an assignment to NEW SUN NUTRITION LLC by the former assignee of this application, Quercegen Holdings LLC. A copy of the assignment is attached hereto. The two inventors initially assigned the entire right, entitle, and interest of this application to New Sun Nutrition Company; and New Sun Nutrition Company later assigned it to Quercegen Holdings LLC. This is evidenced by two assignments recorded with the U.S. Patent and Trademark Office at Reel 014489, Frame 0513 on April 2, 2004; and at Reel 014513, Frame 0808 on April 13, 2004.

I also certify that NEW SUN NUTRITION LLC is the assignee of U.S. Patent No. 6,821,536, issued from U.S. Application Serial No. 10/302,544 by virtue of an assignment to NEW SUN NUTRITION LLC by the former assignee of this patent, Quercegen Holdings LLC, mailed on November 9, 2005 for recordation with the U.S. Patent and Trademark Office. A copy of the assignment is also attached hereto. The inventors named in this patent initially assigned

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

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the entire right, entitle, and interest of U.S. Application Serial No. 10/302,544 to New Sun Nutrition Company; and New Sun Nutrition Company later assigned it to Quercegen Holdings LLC. This is evidenced by two assignments recorded with the U.S. Patent and Trademark Office at Reel 014158, Frame 0053 on June 12, 2003; and at Reel 014688, Frame 0112 on June 3, 2004.

Pursuant to 37 C.F.R. § 3.73(b), I have reviewed all the documents in the chain of title of the above-referenced application and to the best of my knowledge and belief, the entire title is in NEW SUN NUTRITION LLC.

I am empowered to act on behalf of the assignee, NEW SUN NUTRITION LLC.

I hereby represent that pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the assignee, NEW SUN NUTRITION LLC, hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of U.S. Patent No. 6,821,536, provided that any patent granted on the above-referenced application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,821,536.

The assignee, NEW SUN NUTRITION LLC, does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of U.S. Patent No. 6,821,536 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. The assignee, NEW SUN NUTRITION LLC, herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,821,536.

This disclaimer runs with any patent granted on the above-referenced application and is binding upon the grantee, its successors or assigns.

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Attorney's Docket No.: 14682-005001

A check for the \$130 fee required by 37 CFR §1.20(d) is enclosed. Please charge any additional fees to Deposit Account No. 06-1050, referencing Attorney Docket No. 14682-005001.

Respectfully submitted,

Date: 12-27-05

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ASSIGNMENT

For valuable consideration, Quercegen Holdings LLC, a Delaware corporation having a place of business at 51 Locust Avenue, Suite 302A, New Canaan, CT 06840, and its successors and assigns (collectively hereinafter called "the Assignor"), hereby assigns to New Sun Nutrition LLC, a Delaware corporation having a place of business at 197 Wood Street, Lexington, MA 02421, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent, entitled ANTIOXIDATIVE COMPOSITIONS, filed 11/22/2002, and assigned U.S. Serial Number 10/302,544, now U.S. Patent 6,821,536; this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and I agree for me and my respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

Name: Mitsunori OnoTitle: ManagerSignature: 

Quercegen Holdings LLC

Witnessed by:

Name: Richard OnilDate: July 25, 2005Name: Thel FyziDate: 7/25/05

ASSIGNMENT

For valuable consideration, Quercegen Holdings LLC, a Delaware corporation having a place of business at 51 Locust Avenue, Suite 302A, New Canaan, CT 06840, and its successors and assigns (collectively hereinafter called "the Assignor"), hereby assigns to New Sun Nutrition LLC, a Delaware corporation having a place of business at 197 Wood Street, Lexington, MA 02421, its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent signed by me, entitled COMPOSITION FOR ENHANCING PHYSICAL PERFORMANCE, filed 10/23/2003, and assigned U.S. Serial Number 10/692,178; this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and I agree for me and my respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

Name: Mitsunori OnoTitle: ManagerSignature: 
Quercegen Holdings LLC

Witnessed by:

Name: Richard OrvilDate: July 25, 2005Name: Thel FjinDate: 7/25/05